

MEMORANDUM FOR: Gary

There's a new wrinkle in the Soobzokov case. Mr. S. has filed an FOIA request with the Army asking for all employment records relating to his service with a cover unit and all information relating to his employment by other intelligence agencies. I've asked [] to set up a meeting with us, CCS, and the Army liason for tomorrow at 1030.

My concern is that some Army FOIA office will sent out a letter refering S. to CIA.

DECLASSIFIED AND RELEASED BY
CENTRAL INTELLIGENCE AGENCY
SOURCE METHOD EXEMPTION 302B
NAZI WAR CRIMES DISCLOSURE ACT
DATE 2007

Date

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OGC 80-01344

15 Feb 80

15 FEB 1980

MEMORANDUM FOR: General Counsel

ATTENTION:

FROM:

Deputy Director of Security
Personnel Security and Investigations

SUBJECT: Tscherim Soobzokov

1. It is our understanding that the Directorate of Operations (DDO) has determined that they cannot release the DDO documents requested by the Department of Justice for use in the trial of Tscherim Soobzokov since to do so would jeopardize the cover of two Agency staff officers, their subsequent successful and highly sensitive operations, and the location of CIA installations. (S)

2. This is to confirm that the Office of Security objects to the release of our polygraph material in full text form in order to protect polygraph methodology. We would have been willing to release these documents in sanitized form under the conditions set forth in paragraph seven of the attached memorandum, if the DDO had decided in favor of the release of their documents. However, in view of the operational concerns in this case, we must defer to the DDO. The Office of Security will not release any documents for use at trial unless future discussions result in a change of position by the DDO. (S)

Attachment

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OGC 80-01444
21 February 1980

MEMORANDUM FOR THE RECORD

FROM:

E *J*
Office of General Counsel

SUBJECT:

Department of Justice Document Rights - *Request*
Tscherim Soobzokov

1. The Office of Special Investigations, Criminal Division, Department of Justice has requested permission to use six documents in the possession of the Agency in the prosecution of denaturalization proceedings against one Tscherim Soobzokov. This material, comprising documents supplied by Soobzokov to Directorate of Operations (DO) staff officers then under cover and polygraph reports prepared by the Office of Security, are solely within the possession of CIA. The circumstances surrounding the acquisition of this material involve still sensitive operations and the identity of personnel who are still under cover. This Office has been informed by the DO that the identification of these individuals as CIA employees could reasonably be expected to cause widespread damage to current CIA operations. Additionally, the Office of Security has interposed an objection to the declassification and release of the polygraph material citing the threat of disclosure of polygraph methodology. Because of these concerns, and for the reasons given below, this Office has been advised that CIA may not declassify certain material nor release any of the requested documents for use at trial.

2. The Office of Special Investigations (OSI) has requested that six Agency documents be made available for its use in the Soobzokov denaturalization case. Although OSI would prefer to have the documents made available on an unconditional basis, it has agreed to use the documents subject to any conditions we must impose in order to protect the Agency's interests. This would include using redacted versions of the documents, using the documents only at

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DOCUMENT ARE SECRET

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discovery, or attempting to introduce the documents with something less than a full foundation. However, the sensitivity of the circumstances surrounding the Agency's acquisition of these documents forecloses the possibility of publicly admitting to the existence of these documents in our files, much less using them at trial.

Document 1

3. This document dated December 30, 1942, appears to be an official German document which refers to Soobzokov as chief of a field police unit. This document directly supports several counts in the Government's complaint against Soobzokov and is apparently the only documentary evidence that Soobzokov was a member of a German-controlled police force. The original of this document was presented to CIA staff officer []

[] by Soobzokov in late 1952. [] copied it and returned the original to Soobzokov. The copy, with properly classified documentation establishing the chain of custody from Soobzokov to the present custodian is in the DO files.

4. The unique circumstances surrounding the acquisition of this document preclude its use at trial. DO files indicate that when Soobzokov turned the document over to [] in 1952 he knew [] in true name but was not witting of []'s true employment. []

[] However, later file entries indicate that Soobzokov was probably made witting of []'s CIA employment. At a later date Soobzokov was definitely made witting that []'s deputy, []

[], who handled Soobzokov in []'s absence, was a CIA employee. Although the record is silent as to whether []'s employment was ever made known to Soobzokov, Soobzokov knew that [] and [] shared some [] duties, and therefore he may very well have surmized that [] was CIA. Therefore, if this document surfaces Soobzokov may rightly assume that it was produced by []'s employer, CIA. Unless it could be clearly established that the document originated elsewhere any attempt to conceal the source of the document from Soobzokov would be futile. Inasmuch as we have been informed that copies of the document exist only within the DO and with Soobzokov, this poses the following dilemma: the Government cannot establish chain of custody of this document without surfacing [] as the original recipient;

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yet the Government cannot identify [] as the recipient without disclosing his Agency affiliation. We have been informed by the DO that such disclosure could have the following effects:

- 1) [] [], would have a serious impact on our relations with the local government, notwithstanding the fact that the incident occurred almost 30 years ago;
- 2) Release would disclose location of a CIA installation abroad; which would imperil our ability to deny that the existence of such a presence in other cases;
- 3) An association of [] [] with CIA would imperil the sensitive projects and successful recruitments with which he was associated during his career. We have been informed that []

[]. We have also been informed that, following his assignment in [] [] was assigned to a sensitive [] [] which to date has had no open relationship with CIA. Breaking [] [] could reasonably be expected to jeopardize the cover of this still extant sensitive operation.

5. These circumstances place CIA in a very vulnerable position if the document is used at trial. For the reasons stated above, the document cannot be introduced with full disclosure of the chain of custody. Even if the document is proffered under a cloud of secrecy, a damaging result may occur: Soobzokov may very well seize the opportunity to blackmail the Government, using the information he knows about [] [], [] [] and the [] [] operations; or in the alternative, Soobzokov may retaliate by actually

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disclosing the information he possesses.* Accordingly, the only course of action would be to avoid using the document in any manner, thus avoiding the problem of disclosure on the part of the Government, and the threat of blackmail or retaliation on the part of Soobzokov.**

Document 2

6. This document, dated 14 November 1944, which refers to Soobzokov as a military commander, was delivered to Cassin at the same time as Document 1. The same reasons which preclude the use of that document apply to document 2.

Document 3

7. This document dated March 9, 1953 is a report of a polygraph interview conducted by the Office of Security overseas. The report documents statements made by Soobzokov that support the Government's contention that he was a member of the German SS. Because the interview was conducted overseas, and in conjunction with Soobzokov's use in operational activities, CIA cannot permit a full foundation to be laid

* Disclosure of [redacted] J's CIA employment would have a similar damaging effect in that it would result in:

- a. an admission of our presence [redacted] J, with the attendant repercussions;
- b. damage to [redacted] J cover;
- c. damage to the cover of [redacted] J's current post of assignment, a sensitive domestic facility of CIA.

** Soobzokov does not seem presently disposed to attempt any blackmail or graymail against the Agency. Apparently, he believes that CIA will maintain the confidentiality of information it possesses on him and is willing to keep his knowledge of confidential information out of the public domain.

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for this document. Also, because the full text of the document would reveal the identities of intelligence sources and reveal the methodology used in conducting the polygraph interview, we cannot permit the introduction of an unredacted version of the report. OSI has agreed in principle to use the material in redacted form and to attempt to introduce the document with a less than full foundation. Accordingly, the Office of Security, had tentatively agreed to release the polygraph report in the following form and subject to the following conditions:

- a) that this document be used in redacted form only;
- b) that it be identified as a report made subsequent to an interview with a Security Officer;
- c) that no reference be made to the use of the polygraph, or the location and circumstances surrounding the interview; and
- d) that the Government would interpose a claim of State's secrets privilege for all information withheld and sought to be disclosed by the Defendant.

8. However, given the concern of the DO over disclosure of identities and installations, this document also must be withheld. If we must absolutely refuse to permit the use of material directly connected with [] 1 and [] 1, and which would disclose a CIA presence in [] 1, we must interpose the same objection to the use of material that is indirectly connected with them. Just as our attempts to conceal the source of documents 1 and 2 may trigger action on Soobzokov's part, the use of these statements made at the time of his association with [] 1, [] 1 and the [] 1 activity may very well result in the same reaction. Accordingly, we must refuse to permit the use of Document 3 in any manner at trial.

Document 4

9. This document dated 23 February 1956 is a counter-intelligence debriefing report prepared by a third DO staff officer, [] 1, following an interview with Soobzokov in the United States. At the time of the interview

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Soobzokov was not engaged in any activity for CIA, but was interviewed as part of the pre-clearance screening. Although the file does not indicate whether [] met Soobzokov in true name or in alias, it appears likely that [] at least used some form of military cover. (Additional information is not available, [] resigned from the Agency in 1962 and his present whereabouts are unknown.) The only other individual who dealt with Soobzokov at this time did so in alias and under military cover. Taken independently of the other circumstances of the case, it would appear that this document could be used at trial, albeit in redacted form, subject to the following conditions:

- a) The document would be used in sanitized form, identified as a report received of an interview conducted by a CIA officer within the United States;
- b) The name of the individual who wrote the document would not be identified, and authenticity would be based solely on the statements of the DO custodian of records that the document was received and maintained in the normal course of Agency business.

Document 5

10. This document, dated October 1958, was prepared by Soobzokov in an attempt to clear the discrepancies in his biography that had appeared in his several prior statements to CIA officers. At the time he wrote this biography, Soobzokov had been dismissed as a contract employee and was seeking reemployment. Soobzokov apparently knew he was dealing with CIA at the time, although his primary contact was in alias, under military cover. (A second officer had an undetermined cover status.) This document contains personal information only and, taken independently, would be releasable in full text in the Cyrillic original and English translation, provided that the full circumstances surrounding the acquisition of the document were not used for foundation. The DO has indicated that it would have no objection to statements

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to the effect that the biography was received from Soobzokov by CIA in the United States, and would attest that it had been maintained within DO files since its receipt. However, the DO is not prepared to permit the release of the name of the recipient or of the details surrounding the receipt.

11. However, documents 4 and 5 as the others cannot be treated in isolation, as they pose the same potential for disclosure. If CIA releases these documents, Soobzokov may be moved to disclose the identities of individuals and details of operations he was made privy during his association with CIA.

Document 6

12. This is the report of the final polygraph interview with Soobzokov in 1959. It, unlike the 1953 interview, was conducted within the United States. However, it also cannot be released in full text, and also contains information which could disclose polygraph methodology. Although in an isolated environment this document could be released subject to the conditions discussed in paragraph 7 above, our previously stated concern over the release of any CIA information applies and we have been advised against releasing this document.

13. In summary, the continued sensitivity of the identity of two individuals, and the potential for blackmail or retaliatory disclosure dictates against the release of any CIA documents. This concern applies directly to documents 1 and 2 which were received by the individuals whose identities must still protect. This concern applies with less emphasis to Document 3 and the remaining documents, which could be released in part in isolated cases, also bear the seeds of danger and therefore should also be withheld.

cc: [] , C/IMS/FPLG
[] , OS

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